

EX PARTE OR LATE FILED  
DOW, LOHNES & ALBERTSON, PLLC  
ATTORNEYS AT LAW

WASHINGTON, D.C.

1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802  
TELEPHONE 202-776-2000 • FACSIMILE 202-776-2222

ORIGINAL

DOCKET FILE COPY ORIGINAL

October 23, 1996

RECEIVED

OCT 23 1996

Federal Communications Commission  
Office of Secretary

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Federal-State Joint Board on Universal Service  
CC Docket No. 96-45; Ex Parte Presentation

Dear Chairman Hundt:

As the State-Federal Joint Board and Federal Communications Commission ("FCC") prepare to adopt new rules to govern federal universal service support mechanisms, the American Association of Community Colleges and the Association of Community College Trustees (the "Petitioners") urge the adoption of a support system that ensures access to advanced telecommunications services and functionalities by broad segments of the student population. Specifically, the Petitioners request that universal service support be made available to those educational institutions and libraries that face substantial financial and geographic barriers to accessing telecommunications services that are increasingly vital to the education of today's students.

The Petitioners share a unique interest in the issues presented in this proceeding because they represent community colleges that operate under limited budgets and that struggle daily to provide their students with a quality education in an age of rising costs and increased competition. Unlike most four-year colleges and universities, these educational institutions operate without the benefit of major endowments, generous alumni campaigns or corporate underwritings. Few, therefore, are able to afford advanced telecommunications services at commercial rates, including the types of advanced services that the FCC has identified as potentially among the "core" services eligible for universal service support, *e.g.* Internet access availability, data transmission capability, optional Signaling System Seven features, or blocking of those features, enhanced services and broadband services.<sup>1/</sup> Accordingly, the Petitioners respectfully request that the support mechanisms established by the cooperative efforts of the

---

<sup>1/</sup> See *Notice of Proposed Rulemaking*, Federal-State Joint Board on Universal Service, CC Docket No. 96-45 (adopted and released March 8, 1996) (the "Notice").

Joint Board and the FCC be made available to community colleges to ensure that these institutions and their students are not excluded from the benefits of the technical and informational innovations that will define our nation's future and form the basis of its economic and social successes.

Undeniably, K-12 schools provide the foundation upon which future learning takes place, and as such, should receive the benefits promulgated under the Telecommunications Act and targeted for their use.<sup>2/</sup> The federal universal service rules, however, also must recognize that community colleges are integral to the total educational strategy of our nation and fulfill an important and necessary educational function. Indeed, community colleges resemble K-12 institutions in that, unlike four-year colleges, community colleges focus on teaching and not research. Moreover, in both the traditional on-campus setting and, increasingly, off-campus via telecommunications links, community colleges often provide high school students courses for college credit and teach basic educational skills to "non-traditional" students who have limited access to educational opportunities because of financial, geographic or familial limitations. As such, one of the missions of community colleges is to serve the needs of "underprivileged" students striving to make valuable contributions to our communities and workforce.

These students cannot be excluded from the benefits of the telecommunications revolution. As President Clinton recently noted in announcing the Administration's initiative to implement the "E-rate," or education rate, as the cornerstone of the federal universal service system, the ultimate goal in connecting schools is the creation of opportunity and higher-wage jobs for everyone. School connectivity, the President stated, "will pay for itself over and over again by increasing the users [and] the knowledge."<sup>3/</sup> The Commission should recognize community colleges as qualified educational providers for the purpose of determining the availability of universal service support to ensure that all Americans are afforded the benefits envisioned by the Telecommunications Act.

As discussed in comments filed by the Petitioners in this docket,<sup>4/</sup> community colleges should be eligible to participate in discounts, "affordable" rate structures, or service benefits

---

<sup>2/</sup> See Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, to be codified at 47 U.S.C. § 254 (1996) ("Telecommunications Act").

<sup>3/</sup> See Remarks by the President and the Vice President to the People of Knoxville, White House Press Release at 13 (October 10, 1996) ("Remarks of President Clinton").

<sup>4/</sup> See *Joint Comments of American Association of Community Colleges and Association of Community College Trustees*, CC Docket No. 96-45 (filed April 12, 1996) ("AACC/ACCT Comments"); *Joint Reply Comments of American Association of Community Colleges and Association of Community College Trustees*, CC Docket No. 96-45 (filed May 8, 1996) ("AACC/ACCT Reply Comments").

made available to educational institutions under Section 254 of the Telecommunications Act. Community colleges, and especially those with multiple sites and/or serving multiple locations and students (including K-12 schools), are dependent upon telecommunications services to accomplish their educational missions and to prepare their students for entry in the workforce. In many rural areas, for example, remote students can only access a quality education through distance learning technologies. "Distance education" is critically dependent upon telecommunications capabilities and eligibility to participate in affordable rate structures for telecommunication services is crucial to the viability of distance education programs nationwide. Cuyahoga Community College, for instance, an institution located in Cleveland, Ohio, is preparing to enter a voice, video and data services arrangement with a major service provider that today will cost in excess of \$500,000 per year. Even a modest discount of 10% would represent valuable savings, in excess of \$50,000 annually, to an institution that could redirect these scarce funds for the production of electronic courses and the enhancement of on-campus resources, facilities and equipment. In rural areas, educational institutions face even higher costs -- costs that threaten to create a society of "haves and have-nots."<sup>5/</sup> Such a system plainly is not in the public interest.<sup>6/</sup>

While affordable access to information is paramount, discounts to community colleges also would allow educators to concentrate on increasing the amount and quality of information available for furtherance of an institution's educational goals. Education is being revolutionized by the explosion in information, and part of that revolution is the ability to create and share content. Most community colleges already partner with the K-12 schools in their districts — thereby saving taxpayer dollars by sharing scarce public resources while enriching educational opportunities. Some offer advanced placement classes to high school seniors and provide educational and curriculum material, as well as necessary training programs, for distance education faculty at K-12 institutions. Community colleges also cooperate regularly with other community colleges and public and private institutions in joint experiments, lectures, and data collection via telecommunications services. The Joint Board and FCC should make community colleges eligible to receive educational rates and discounts to the extent they enter into partnerships with K-12 schools, or other private or public entities, regardless of whether the partnering entity is directly eligible for universal service support. Such cooperative efforts should not deprive the beneficiaries of universal service the support provided under federal

---

<sup>5/</sup> See *Public Notice*, "Commissioner Ness Previews Universal Service Solutions, Defends Local Competition Rules, in Speech to Chicago" at 1 (released October 15, 1996) ("*Commissioner Ness' Comments on Universal Service*") (calling for universal service rules that "reduce, not expand, the gap between 'information haves' and 'information have-nots'").

<sup>6/</sup> See *Statement of Kathryn C. Brown*, Associate Administrator, Office of Policy Analysis and Development, NTIA, Department of Commerce, before the Federal-State Joint Board on Universal Service at 5 (April 12, 1996).

policies. Indeed, an effective certification process can be established to guard against abuse and manipulation of the universal service system without constraining an institution's flexibility to provide students with wide access to off-campus resources and information.

The FCC's rules also should make universal service support available to libraries funded and operated by community colleges. Higher education institutions, particularly community colleges and especially in rural areas, many times provide the same service to the public as "public libraries." Rural colleges and universities, for instance, often have the only well-equipped auditoria or the teleconferencing facilities in their counties. Accordingly, to the extent community colleges make available to "traditional" public library patrons, directly or indirectly, their on-campus collections and facilities, their libraries should benefit from the pricing incentives and universal service discounts adopted in this proceeding.

In addition, the Petitioners urge that the new universal service rules make discounts, price supports and other universal service benefits available for access to a wide range of telecommunications services. Services such as video-conferencing and Internet telecommunications connections may be "advanced," but they have become the types of core services that meaningfully increase the educational opportunity for *all* and may ultimately reduce the aggregate cost of education. In addition, because it is impossible to predict what new telecommunications technologies will materialize in the future, the Petitioners support a periodic review of the FCC's universal service rules and definitions.<sup>7/</sup> It is critical to the Nation's well-being that educational institutions and libraries keep pace with new developments and that the FCC's rules preserve access to innovative services that have yet to be developed.

Finally, the Petitioners support universal service policies that permit cost-effective access to the hardware and physical connections that will make efficient and effective access to telecommunications services affordable. Specifically, the Petitioners support policies that will encourage the computer industry to provide educational institutions and libraries with the hardware that facilitates full use of developing technologies. As discussed in the Petitioners' comments in this proceeding, access to telecommunications services alone may not be sufficient to achieve the FCC's universal service goals.<sup>8/</sup> Grants, incentives and discount programs should be encouraged to ensure that qualified educational institutions and libraries have the necessary hardware to make optimal use of advanced data, voice and video capabilities. Indeed, as the

---

<sup>7/</sup> See e.g. *Further Comments of the National Telecommunications and Information Administration*, CC Docket No. 96-45 at 19-20 (filed October 10, 1996) (recommending triennial reviews of universal service rules to ensure a "dynamic and self-correcting" process).

<sup>8/</sup> See AACC/ACCT Reply Comments at 3-4.

The Honorable Reed E. Hundt  
Federal Communications Commission  
Page 5

Administration has recognized, the computer should be "as much of a part of a classroom as blackboards."<sup>9/</sup>

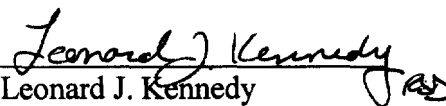
Similarly, true universal service is achieved only when all classrooms are wired and internally connected for access to the telecommunications services supported by universal support mechanisms. Presently, only 9% of classrooms in America are connected to the Internet.<sup>10/</sup> Educational objectives, however, should drive decision-making, and anything less than full classroom connectivity is underutilizing a valuable targeted benefit. Accordingly, telecommunications carriers and equipment manufacturers should provide educational institutions and libraries financial and other incentives to install infrastructure required to utilize fully services made available through universal service mechanisms.<sup>11/</sup>

The Petitioners applaud the substantial efforts made by Congress, the FCC and the State-Federal Joint Board to improve the educational opportunities of our nation's students. It is with a common goal of broader access and equal opportunity that the Petitioners submit these comments for your consideration.

Respectfully submitted,

AMERICAN ASSOCIATION OF COMMUNITY  
COLLEGES

ASSOCIATION OF COMMUNITY COLLEGE  
TRUSTEES

By:   
Leonard J. Kennedy  
Todd D. Gray  
Kenneth D. Salomon

Their Attorneys

cc: Attached Service List

---

9/ Remarks of President Clinton at 11.

10/ Letter from Richard R. Riley, Secretary of Education, Daniel R. Glickman, Secretary of Agriculture, Michael Kantor, Secretary of Commerce to Reed E. Hundt, Chairman, Federal Communications Commission at 2 (dated October 10, 1996).

11/ See *Commissioner Ness' Comments on Universal Service* at 1 (endorsing universal service support to "facilitate internal connections: local area networks linking each classroom").

**\*The Honorable James H. Quello**  
Commissioner  
Federal Communications Commission  
1919 M Street, NW, Room 802  
Washington, DC 20554

**\*The Honorable Rachelle B. Chong**  
Commissioner  
Federal Communications Commission  
1919 M Street, NW, Room 844  
Washington, DC 20554

**\*Ms. Regina Keeney**  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW, Room 500  
Washington, DC 20554

**\*William Howden**  
Federal Communications Commission  
2000 L Street, NW, Suite 812  
Washington, DC 20036

**\*Rafi Mohammed**  
Federal Communications Commission  
2000 L Street, NW, Suite 812  
Washington, DC 20036

**\*Mark Nadel**  
Federal Communications Commission  
1919 M Street, NW, Room 542  
Washington, DC 20554

**\*Jeanine Poltronieri**  
Federal Communications Commission  
2000 L Street, NW, Suite 257  
Washington, DC 20036

**\*Gary Seigel**  
Federal Communications Commission  
2000 L Street, NW, Suite 812  
Washington, DC 20036

**\*The Honorable Susan Ness**  
Commissioner  
Federal Communications Commission  
1919 M Street, NW, Room 832  
Washington, DC 20554

**\*Ms. Michelle Farquhar**  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW, Room 5002  
Washington, DC 20554

**\*Deborah Dupont**  
Federal Staff Chair  
Federal Communications Commission  
2000 L Street, NW, Suite 257  
Washington, DC 20036

**\*Clara Kuehn**  
Federal Communications Commission  
2000 L Street, NW, Suite 257  
Washington, DC 20036

**\*Andrew Mulitz**  
Federal Communications Commission  
2000 L Street, NW., Suite 257  
Washington, DC 20036

**\*Gary Oddi**  
Federal Communications Commission  
2000 L Street, NW, Suite 257  
Washington, DC 20036

**\*Jonathan Reel**  
Federal Communications Commission  
2000 L Street, NW, Suite 257  
Washington, DC 20036

**\*Pamela Szymczak**  
Federal Communications Commission  
2000 L Street, NW, Suite 257  
Washington, DC 20036

**\*Whiting Thayer**

Federal Communications Commission  
2000 L Street, NW, Suite 812  
Washington, DC 20036

**\*Larry Povich**

Federal Communications Commission  
1919 M Street, NW, Room 100  
Washington, DC 20554

**\*International Transcription Services**

1990 M Street, NW, Room 640  
Washington, DC 20036

**The Honorable Kenneth McClure  
Vice Chairman**

Missouri Public Service Commission  
301 W. High Street, Suite 530  
Jefferson City, MO 65102

**The Honorable Laska Schoenfelder  
Commissioner**

South Dakota Public Utilities Commission  
500 E. Capital Avenue  
Pierre, SD 57501

**Paul E. Pederson, State Staff Chair**  
Missouri Public Service Commission  
P.O. Box 360  
Truman State Office Building  
Jefferson City, MO 65102

**Charles Bolle**  
South Dakota Public Utilities Commission  
State Capital, 500 E. Capital Avenue  
Pierre, SD 57501-5070

**\*Alex Belinfante**

Federal Communications Commission  
1919 M Street, NW, Room 100  
Washington, DC 20554

**\*Ernestine Creech**

Common Carrier Bureau  
Accounting and Audits Division  
2000 L Street, NW, Suite 257  
Washington, DC 20554

**The Honorable Julia Johnson  
Commissioner**

Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**The Honorable Sharon L. Nelson  
Chairman**

Washington Utilities and Transportation  
Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

**Martha S. Hogerty**  
Public Counsel for the State of Missouri  
P.O. Box 7800  
Harry S. Truman Building, Room 250  
Jefferson City, MO 65102

**Eileen Brenner**  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074

**Lorraine Kenyon**  
Alaska Public Utilities Commission  
1016 West Sixth Avenue, Suite 400  
Anchorage, AK 99501

Debra M. Kriete  
Pennsylvania Public Utilities Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Mark Long  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Gerald Gunter Building  
Tallahassee, FL 32399-0850

Samuel Loudenslager  
Arkansas Public Service Commission  
P.O. Box 400  
Little Rock, AR 72203-0400

Sandra Makeeff  
Iowa Utilities Board  
Lucas State Office Building  
Des Moines, IA 50319

Philip F. McClelland  
Pennsylvania Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Michael A. McRae  
D.C. Office of the People's Counsel  
1133 15th Street, NW, Suite 500  
Washington, DC 20005

Terry Monroe  
New York Public Service Commission  
Three Empire Plaza  
Albany, NY 12223

Teresa Pitts  
Washington Utilities and Transportation  
Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

James Bradford Ramsay  
National Association of Regulatory  
Utility Commissioners  
1201 Constitution Avenue, NW  
Washington, DC 20423

Brian Roberts  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

Deborah S. Waldbaum  
Colorado Office of Consumer Counsel  
1580 Logan Street, Suite 610  
Denver, CO 80203

\*Via Hand Delivery.